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TOWARD A POLITICAL STRATEGY FOR AFGHANISTAN

Afghan politics are in a troubled state and may well represent the chief threat to the current stabilization effort. Disputes over the results of the September 2010 parliamentary elections, and disagreements over who should resolve those disputes, have continued well into 2011 and in fact are not fully settled as of this writing.¹ The August 2009 presidential election was marred by fraud and other irregularities. The fallout of the ensuing process continues to burden U.S.-Afghan relations in particular to this day. According to the Kabul-based Afghanistan Research and Evaluation Unit, an independent research organization, in the eyes of most Afghans, “elections are being used to legitimize or ‘rubber stamp’ the control of the powerful,” and “elections are compounding a distrust of institutions.”² Meanwhile President Karzai must constitutionally leave office in 2014. The weakness of political movements and parties in Afghanistan together with the relative strength of patronage networks and the threat of ethnic conflicts augur poorly for the prospects of the competition to succeed him.

The United States and its NATO partners, in conjunction with Afghan security forces, have a fairly detailed and comprehensive military strategy for the Afghan campaign. It entails a prioritization and sequencing of major efforts in certain districts and provinces of the country, with several phases in place, and a clear set of parameters to determine how and

when to hand off responsibility to Afghan army and police forces over time. The training and equipping schedule for the Afghan security forces is detailed, thorough, and carefully juxtaposed with the campaign plan for foreign forces. The chain of command within NATO for this effort is clear, and coordination with relevant Afghan partner agencies is generally professional and amicable.

There is no such international political strategy for working with Afghanistan and its government.³ To be sure, some general notions are clear. The international community seeks a viable, legitimate, and proficient Afghan government able to enjoy the support of its people, improve their well being, and gradually take over responsibility for the country’s security. But these are generalities. The military strategy goes well beyond such amorphous visions to a specific set of actions and a detailed sequencing of effort. There is no comparable roadmap on matters of politics.

The various agencies working in Afghanistan have their discrete goals. They also are pursuing many individually worthy programs, including those of USAID, the United Nations Assistance Mission, and various other foreign missions. A great deal of good work is being done by dedicated, gifted people of all nationalities including of course Afghans. But these individual efforts are not adequately informed by broad political strategy or sufficiently focused on

¹ See International Crisis Group, “Afghanistan’s Elections Stalemate,” Kabul, Afghanistan, February 23, 2011, available at <http://www.crisisgroup.org/en/regions/asia/south-asia/afghanistan/B117-afghanistans-elections-stalemate.aspx> [accessed March 24, 2011].

² Noah Coburn and Anna Larson, “Undermining Representative Governance: Afghanistan’s 2010 Parliamentary Election and Its Alienating Impact,” Afghanistan Research and Evaluation Unit, Kabul, Afghanistan, February 2011, available at <http://www.areu.org.af/> [accessed March 17, 2011].

³ For a corroborating view, see for example Thomas Barfield and Neamatollah Nojumi, “Bringing More Effective Governance to Afghanistan: 10 Pathways to Stability,” *Middle East Policy*, vol. 17, no. 4 (Winter 2010), pp. 45-46.

the crucial period of the next two to three years. The country overall has a national development strategy too—but this concerns matters of development and government capacity, not politics. Put differently, the international community does not have an adequate plan to help Afghanistan develop the institutions and processes needed to improve the way disputes are settled and issues resolved through peaceful, legal means, especially in the immediate future when progress is needed to defeat the insurgency. There is a general hope that the 2004 constitution, and existing structures such as they exist, will suffice—or that any necessary corrections and improvements will be taken care of by Afghans.

At one level this is understandable. Wading into the political affairs of a sovereign state is a delicate business. Afghans must decide how to govern their country, and how to shape their polity. Nothing that we write here is meant to challenge that basic fact; ultimate decisions about Afghanistan are for Afghans to make.

At another level, the international community is already involved, since it was “present at the creation” of the post-Taliban state following the U.S. invasion of Afghanistan in October 2001. The Bonn conference of 2001 initiated a political transition process that led to the selection of Hamid Karzai as interim leader, giving him a leg up in the 2004 presidential race. American as well as NATO guidance was important in the creation of the constitution that was approved by referendum. For example, the international community had a hand in the decision to keep most powers within the office of the Afghan president—even to the point of not allowing elections for provincial or district governors—and it supported Karzai’s preference not to allow candidates to run under political party banners in Afghan elections. The international community cannot and must not aspire to a similar intervention in Afghan politics in the future, of course, but its heavy security presence makes its advice nonetheless relevant.

A political system invented out of whole cloth between late 2001 and 2004 faces perhaps even more daunting challenges in adapting to changing

circumstances than the military strategies that were created for Afghanistan in that same period of time—and which are now known to have failed. It is also commonly recognized, especially since General McChrystal and General Petraeus have commanded ISAF, that the NATO-Afghan military strategy is considerably more robust and more promising than the political strategy for the country. Yet we continue to polish and perfect the former with little attention to the latter.

The implicit political strategy for Afghanistan, such as it is, places too much faith narrowly in the ballot box. Elections do not automatically produce stable constitutional democracies. Examples from Algeria in the early 1990s to Iraq in 2005 to the Palestinian Authority in 2006 should remind us that stable constitutional democracies require strong institutions, functioning courts, systems of checks and balances, political movements or parties that do not exacerbate a state’s internal conflicts, and the gradual establishment of a tradition of peaceful resolution of disputes.

The international community has an obligation and a role in helping Afghans frame their choices about politics and government. Whatever approach it takes, however deferential it might be to Afghans themselves, it should be guided by as coherent and thoughtful an underlying strategy as possible, rather than depend on improvisation as has generally been the case since 2004. Clearer guidance is needed to answer questions like these:

- Should the international community work to help strengthen the Afghan parliament and help bolster its role in the Afghan political process, beyond the limited work already being done by organizations such as the International Republican Institute and National Democratic Institute and the State University of New York?
- Similarly, should foreign actors emphasize the need to strengthen and support political parties in Afghanistan, as they currently have an ambiguous standing within the Afghan governmental system?

- Is the international community confident that the Afghan constitution, with its strong centralization of powers in a country that has historically possessed only a relatively weak central government, is sound? If not, how can it promote consideration of modifications—or at least new interpretations of the constitution and new procedures for placing greater counterbalances on central power?
- What preparations are needed now to help Afghans choose a new leader in 2014, as the constitution requires that they do?
- Should international officials make a greater effort to engage with opposition politicians who have much insight to offer based on years of experience in the country and yet are often sidelined today?
- How should the international community view the issue of corruption in broader political terms? There are different types and levels of corruption; all may be undesirable, but all are not equally corrosive to the survival of the state and the defeat of the insurgency, and some might be tolerable at least for now. Fighting corruption in a country like Afghanistan cannot be viewed as a simple, technical matter of law and order or criminality and the courts; it is, rather, a fundamentally political endeavor producing key winners and losers among the country's power elites. To pursue an anticorruption agenda without a political strategy is akin to deploying forces and shooting weapons without a military campaign plan.
- How should any peace talks with the Taliban be structured and handled?

It is to answer such questions that we sketch out a possible political strategy for the international community's involvement in Afghanistan in the pages that follow. This is not a strategy about the more technical challenge of improving government delivery of services. Nor is it a vision for the post-2014 U.S. and NATO relationship with Afghanistan, a

hot topic of discussion at present itself. Rather, it is about politics—power sharing and policy compromise among the country's various key institutions and groups, particularly at the national level.

The existing approach might be described implicitly as “elections plus Karzai.” That is, the international community hopes that its choice of Hamid Karzai back in late 2001, and acquiescence in a constitution giving him great powers, followed by reasonably fair (if imperfect) elections, can satisfy Afghanistan's political needs. In addition to its obvious shortfalls to date, such an approach also has the downside of providing little guidance for 2014 and beyond. The new recommended approach, by contrast, can be described as building a constitutional, institution-based democracy. It places less emphasis on individuals, and recognizes that what makes democracy work is a great deal more than elections. This logic has implications for Afghanistan's parliament, its political parties, its distribution of power between the center and localities, the anti-corruption effort, talks about reconciliation with the insurgency, and the enormous question of how to choose a president for Afghanistan for the post-Karzai era.

THE AFGHAN PARLIAMENT

Afghanistan's parliament is at least showing some independence. For example, after Mr. Karzai's reelection as president in 2009, it utilized its powers of confirmation to challenge him on several cabinet appointments—probably to the ultimate benefit of the country, as most of his best choices probably were approved more expeditiously and consistently than his weaker choices. After much struggle in the fall and winter of 2010/2011, parliament also managed to insist that its members—new and reelected—be seated in the aftermath of troubled September 2010 elections. Karzai had opposed this largely over a dispute centering on the results from the province of Ghazni, but ultimately had to relent (though concerns continue as of this writing).

That said, parliament's actions to date have centered on such matters of personnel appointments and power, and on patronage, rather than ideas or

policy agendas. It has financial and organizational difficulty creating blocs of members capable of effectively wielding political muscle, with only one such group formally functioning within the parliament as of mid-2010, for example. Ethnic tensions within the body may be growing. Its real powers to make policy remain severely circumscribed by the constitution and by institutional weakness.⁴

At least two major reforms in parliament would seem sensible under the current circumstances. One would strengthen the body's ability to devise and assess new policies including legislation. At present the parliament, notably the lower house or Wolesi Jirga, is essentially a rubber stamp organization. It can say no to legislation and budgets proposed by the government, or it can say yes, but it generally cannot initiate or modify changes to the law. Whether or not it is realistic to allow parliament to take primary control of the budget, it should probably have greater legislative prerogatives on other matters. This may require constitutional change, given how the Afghan Constitution places most power to propose legislation in the executive branch of government. But it might be done through new understandings rather than formal amendment. For example, perhaps the executive branch could agree that a bill that came out of a parliamentary committee with strong support exceeding a certain threshold would be automatically forwarded through the executive back to parliament for further consideration and a final vote, once the government had a chance to comment on it and propose changes.

A second change is to strengthen parliament's technical ability to consider changes to policy, to give it more intellectual and policy heft. In the United States for example, in the aftermath of the Vietnam and Watergate era, Congress created several research organizations, independent of party, designed to provide the body more intellectual muscle in such matters. Once that effort was complete, the

Congress had four institutions—the Congressional Research Service, the Congressional Budget Office, the Government Accountability Office, and the now-defunct Office of Technology Assessment—to help in that endeavor.

Afghanistan does not need and cannot afford three or four such bodies. But some type of an Afghan Parliament Research Service, staffed with at least several dozens of researchers in various fields and headed by a technocrat whose term does not coincide with those of members or the president, might usefully strengthen the role of parliament in Afghanistan. Most of its formal publications could also be available to the public, given parliament's role as representative of the people.

But ultimately, parliament can only go so far without better means of organizing members, and voting power, than it possesses today. This leads naturally to the related question of political parties in Afghanistan.

POLITICAL PARTIES—AND POLITICAL LEADERSHIP AFTER 2014

Under current procedures, candidates for office in Afghanistan generally do not run under the aegis of political parties. This is due to President Karzai's argument, in a view shared by numerous other Afghans as well, that political parties conjure up memories of communist rule in the country's past and therefore work against the national interest and national unity. There has also been concern that, especially in the years immediately following the overthrow of the Taliban, political parties might empower ethnic actors or warlords more than reformists, technocrats, or individuals with a national agenda.⁵ This was particularly worrisome since, in the early years of post-Taliban rule, the United States also inadvertently helped strengthen many warlords and other similar actors, making it even harder for others to challenge their organizations and syndicates.⁶

⁴ See for example, M. Hassan Wafaey with Anna Larson, "The Wolesi Jirga in 2010: Pre-Election Politics and the Appearance of Opposition," Afghanistan Research and Evaluation Unit, Kabul, Afghanistan, June 2010, available at areu.org.af [accessed March 24, 2011]; and International Crisis Group, "Afghanistan's Elections Stalemate," Kabul, Afghanistan, p. 14.

⁵ See for example, Ronald E. Neumann, *The Other War: Winning and Losing in Afghanistan* (Washington, D.C.: Potomac Books, 2009), pp. 18-20.

⁶ See Sarah Chayes, *The Punishment of Virtue: Inside Afghanistan After the Taliban* (New York: Penguin Books, 2006), pp. 168-170, 227-228.

Parties are not actually banned in Afghanistan. In fact, they are explicitly allowed in the Afghan constitution, provided that they are not ethnic or tribal in agenda or membership. But existing law and procedures make it hard for most candidates for office to identify themselves as members of parties when seeking election.⁷

As a result of this policy, many foreign advisory groups stay away from party politics to a large extent. They often focus more of their very worthwhile activities on citizen education, on helping Afghans organize for issue-based advocacy, and on media and public education activities rather than on party building. For example, AID has an effort focused on strengthening parliament (and claiming in its literature somewhat optimistically that parliament is already a strong independent policymaking body), and programs focused on civil society, on election watchdog agencies, on support for the media, and on local governance—in addition to all the important programs designed to improve the capacity of government to deliver services. Such efforts are useful, but perhaps limited in their impact, and do not do much to help strengthen organizations with the muscle or money to challenge patronage networks of the type that commonly dominate Afghanistan's politics today.⁸

Whatever the logic of that argument may once have been, it is now appropriate to strengthen Afghan political organizations. That means helping Afghanistan's reformers and patriots, of whom there are many, to form strong political movements. Mr. Karzai has chosen some good cabinet officials and governors, but these are just a few individuals. Afghanistan's organized political parties are very weak. There are some fledgling new movements—like the one spearheaded by former foreign minister and

presidential candidate Abdullah Abdullah. But they are loosely organized and have relatively vague policy platforms.

The subjects ripe for research and debate in Afghanistan, of a type that organized parties could provide, are legion. Abdullah raised the possibility of direct election of governors, who are presently appointed by the president, and more generally issues of federalism versus regionalism are important. The current single non-transferrable vote for parliament, in which top vote-getters in a province win election, may need to be reconsidered in favor of stronger roles for parties, for districts as opposed to provinces, or both. The related matter of how, and whether, regions should become focal points for university and commercial development and transportation networks and the like is crucial to the country's future. How economic resources should be allocated, which commercial and security accords should be pursued with which foreign countries, how Islam should affect public life as well as law, and where new infrastructure should be built are among the subjects one might expect parties to explore.⁹ Land reform, and property owners' rights, are of huge significance as well. Questions of workers' rights and minimal safety and compensation standards are also important.

Afghanistan needs political movements tied to ideas and governing principles rather than ethnicity or individuals. To be sure, Afghans should choose how to organize, who to lead parties, what their platforms should be, and so forth. But the basic notion that democracy can only function effectively with political organizations and agendas is rather incontrovertible and the international community should not shy away from saying so. As a political organizer in Egypt, Nasser Abdel Hamid, recently put it when facing the

⁷ See article 35 in Islamic Republic of Afghanistan, "The Constitution of Afghanistan," Kabul, Afghanistan, ratified January 26, 2004, available at <http://www.embassyofafghanistan.org/constitution.html> [accessed March 23, 2011].

⁸ See for example, International Republican Institute, "Afghanistan Overview," Washington, D.C., 2010, available at <http://www.iri.org/sites/default/files/Program%20Summaries/Afghanistan%208-2009.pdf> [accessed January 1, 2011]; and National Democratic Institute, "Afghanistan," Washington, D.C., 2010, available at <http://www.ndi.org/content/afghanistan> [accessed January 1, 2011]; see also, U.S. AID/Afghanistan, "Office of Democracy and Governance Project Portfolio: January 2011," U.S. AID, Washington, D.C., 2011, available at http://afghanistan.usaid.gov/en/programs/democracy_governance [accessed April 4, 2011].

⁹ There will of course be longer-term issues too. One might be whether, once the war is over and country stabilized, Afghanistan might consider a military involving at least some conscription to reduce costs.

challenge of creating a post-Mubarak future for his country, “If you want to change the political life, you have to transform it from one about individuals to one about institutions.”¹⁰ Similar conclusions can be drawn about other developing nations that have made important strides in building democracy, and also in combating corruption, such as Indonesia.¹¹ This basic truth is just as applicable to Afghanistan, or for that matter anywhere else in the world.

Mr. Karzai has so far discouraged the formation of political parties. He has argued that Afghans dislike political parties because of the legacy of Communist Party abuses in the late 1970s and 1980s. But the 1980s are increasingly ancient history. Those who oppose parties today seem motivated mostly by their own desire to divide and conquer a weak, inchoate opposition.

As he contemplates his legacy as a father of the modern nation of Afghanistan, and presumably prepares in coming years to step down from the presidency as he completes his second term in 2014, Mr. Karzai might himself benefit from helping inspire a broad-based party across regional and ethnic lines that reflects his principles and vision for the country. In other words, one might hope that even if Karzai opposed parties before, at an earlier stage in the country’s evolution and his own career, he might now reassess.

We recognize President Karzai’s long service to the country and believe he has tried in important ways, against the odds, to stitch together the beginnings of a modern Afghan state out of the chaos and insecurity that resulted from decades of war. Many of the criticisms of him in the West today forget too quickly these efforts, and the difficulties he has faced in the process.

That said, it is time to start thinking of how Karzai will be succeeded. The constitution requires him to step down in 2014, and that aspect of the constitution is important to the development of an institution-based Afghan democracy. It is only when citizens experience peaceful transfers of power that they can truly begin to place more faith in institutions and offices rather than individuals. Karzai himself may be happy to secure a much-deserved retirement but at a minimum many of his supporters will likely seek to persuade him to stay on, given their uncertainty about what could come next. Rather than be blindsided by such dynamics, the international community should anticipate them as the natural outgrowth of Afghanistan’s current lack of strong political movements or parties, which heighten the importance of personality even more than would normally be the case. As such, anxiety over the future will be even greater than in many young democracies, and harmful dynamics can be anticipated. To address them, the international community should not waver in its views about what should happen in 2014, but it should work harder to help Afghans organize for the process of choosing new leadership—at presidential, parliamentary, and other levels—at that point. To be sure, Afghans must make the actual choices. But the international community, while admittedly involved in numerous mistakes in Afghanistan, understands a great deal about the process of nurturing young democracies, and need not apologize for offering its insights and experiences. Nor should it claim false innocence about its role in the process; it was after all integral to the decisions about forming Afghanistan’s constitution and choosing Mr. Karzai in the first place, so it has an interest to help provide counsel at this fraught stage. And the 2011/2012 period is exactly when work is needed; waiting for 2013/2014 is too late to help political groups build themselves up, as institution-building takes time.

¹⁰ Neil MacFarquhar, “After Revolt, Egyptians Try to Shape New Politics,” *New York Times*, March 18, 2011, available at <http://www.nytimes.com/2011/03/19/world/middleeast/19egypt.html?ref=todayspaper> [accessed March 21, 2011].

¹¹ See Ted Piccone, “Democracy the Indonesian Way,” *Up Front Blog*, Brookings Institution, Washington, D.C., April 22, 2010, available at http://www.brookings.edu/opinions/2010/0422_indonesia_democracy_piccone.aspx [accessed April 1, 2011]; and Daniel Kaufmann, Aart Kraay, and Massimo Mastruzzi, “Governance Matters 2010: Worldwide Governance Indicators Highlight Governance Successes, Reversals, and Failures,” Brookings Institution, Washington, D.C., September 2010, available at http://www.brookings.edu/opinions/2010/0924_wgi_kaufmann.aspx [accessed April 1, 2011].

This issue is not just about the post-Karzai and post-2014 future. Focusing on party development could affect even the shorter-term calculations of Afghan politicians. If Afghan voters in 2014 and thereafter will be empowered to make real policy choices, candidates will take notice and start developing ideas they can run on. That may be as good an antidote to weak governance and rampant corruption as we can find—not only for the future but for today as well.¹² By the same token, as much as most Afghans who value constitutional democracy probably consider it important that the presidency change hands in 2014, the international community should clarify its view that Mr. Karzai should be president *until* 2014 and that we have no intention of encouraging anything to the contrary. There are reports that the palace sometimes worries about whether the international community in fact would do otherwise. Nothing is to be gained, and much can be lost, by such conspiracy theories and anxieties, and they should be systematically debunked.

CONSTITUTIONAL REFORM AND FEDERALISM

The Afghan constitution was ratified in 2004 after just three years of post-Taliban rule by *loya jirga*, and trumpeted by President Bush as a major landmark guaranteeing women's rights as well as elections and a democratic form of government.¹³

The constitution is nonetheless best viewed as an interim document. It was created during the time of the international community's "light footprint" in Afghanistan, when foreign troops were minimal in number and support for the Afghan state was similarly Spartan. The idea that the federal government would be weak in some ways was viewed as an

inevitable consequence of this situation. Warlords and other traditional power brokers were viewed therefore as an essential part of the governing process since the state was not strong enough, and was not going to become strong enough, to create proper constitutional democracy from the ground up. Partly to compensate for this structural weakness, the office of the Afghan president was given unusually *strong* powers, so that even if President Karzai could not govern without the assistance of regional power brokers, at least he could relieve or rearrange them when he needed to assert control.¹⁴

The concentration of central powers is stunning, in fact. The Afghan president is obliged to seek parliamentary confirmation when he changes his cabinet. In addition, while the president can change the membership of the Independent Electoral Commission and Electoral Complaints Commission, he cannot easily impede their rulings—a desirable division of powers that needs to be reaffirmed in the aftermath of the disputed 2010 parliamentary elections. With regional and district governors, by contrast, there is no oversight of the president's actions, which are unconstrained by any checks and balances. This system was perhaps a seemingly natural way to try to address the weakness of the Afghan state at the time—but it is a very unnatural way to build a democracy in a country with traditions of substantial local and regional autonomy. In addition, the Afghan president has powers to rule by decree when parliament is not in session.

It is not for the international community to decide how this system should change, of course. But a system of extremely strong central rule smacks more of Putin's Russia or Hu's China than of Afghanistan's history and traditions—or of the sound fundamentals of constitutional democracy.¹⁵ This is not to say

¹² Article 62 of the Afghan Constitution limits any one person to a maximum of two terms as president over the course of his or her lifetime.

¹³ Seth G. Jones, *In the Graveyard of Empires: America's War in Afghanistan* (New York: W.W. Norton and Co., 2009), pp. 136-145.

¹⁴ Article 64 gives the president wide powers of appointment, article 91 describes the role of parliament in approving some appointments (such as ministers) but not others (such as governors), and articles 90 and 97 (as well as other provisions) establish that only the government can propose laws or new budgets—parliament's role is one of approval of budgets, not initiation of the process. See Islamic Republic of Afghanistan, "The Constitution of Afghanistan," Kabul, Afghanistan, ratified January 26, 2004, available at <http://www.embassyofafghanistan.org/constitution.html> [accessed March 23, 2011].

¹⁵ On the history of efforts to centralize powers in Afghanistan—as under Abdur Rahman in the late 19th century—but more frequently on its strong local and regional traditions, see Thomas Barfield, *Afghanistan: A Cultural and Political History* (Princeton, N.J.: Princeton University Press, 2010), pp. 159-160, 342-343.

that Afghanistan should be divided or that autonomous regions with unusually strong powers of their own are necessary. The country actually has a fairly strong sense of common identity.¹⁶ As former Ambassador Ron Neumann points out, even in its many recent conflicts waged by many different actors, none has sought to conduct a war of secession.¹⁷ But the balance of powers is out of whack, and at a minimum in need of reconsideration.

As a result, adjustments in western strategy seem advisable, to assist Afghans in thinking through their options and to prod President Karzai to consider steps that his own specific interests may not otherwise counsel. Two main steps are warranted. First, the basic norm in constitutional democracies of checks and balances should be invoked to call into some question the current power distributions. Without presuming to know the “right answer,” the international community can still offer its view that the existing consolidation of power in the Afghan president’s office is unusual and indeed dangerous.

Second, and relatedly, Afghanistan’s constitution should be viewed as no more settled and final than Iraq’s has been. On matters such as the future status of contested territories in Iraq’s north (the so-called Article 140 issues), there has been recognition of the need for change. In Iraq, the United Nations, under Staffan de Mistura, was asked to help develop options for constitutional revision. Just as importantly, the international community helped create and sustain an expectation that reform would happen. To be sure, this approach has produced no easy answers. As of this date, a reform process that was supposed to have been concluded by the end of 2007 on Article 140, for example, remains up in the air. Iraqis are the ones who must resolve this matter ultimately, just as Afghans must deal with their own challenges,

and to date they have not been able to. But a process is still alive in Iraq, and the international community has created for itself a technical advisory role as well as some limited degree of political leverage as a result. No parallel process exists in Afghanistan. That situation needs to change.

FIGHTING CORRUPTION

In general the international community needs to turn as much as possible from a backward-looking criminality-based approach to addressing corruption, and more towards a future-oriented agenda focusing on improving governance and the rule of law. The future is what Afghans most care about. This approach is also the best way to avoid knockdown disputes with President Karzai over what he perceives as the capriciousness of international efforts to arrest those who may be close to him politically. Egregious cases must still be prosecuted of course, but criminal justice activities should not be the only centerpiece of anticorruption efforts.

The international community is making progress in this direction. Brigadier General H.R. McMaster’s efforts to debar companies not having reputable subcontractors or adequate accounting procedures helps. General Petraeus pointed out in congressional testimony that nine contractors had been debarred from ISAF contracts, as of March 2011.¹⁸ The ISAF effort in Kandahar to divide up logistics contracts into smaller packages is also important, making them more easily scrutinized and also more easily divvied up around the region’s various interested parties and tribes.¹⁹ And President Karzai has taken some steps, however halting, such as firing military doctors accused of pilfering from medical supplies for the nation’s soldiers.²⁰ Gradually moving more aid money and contracts through the Afghanistan

¹⁶ On this, see for example, Marin Strmecki, “The State of Afghanistan,” *American Interest* (January/February 2011), available at www.the-american-interest.com/article.cfm?piece=914 [accessed April 1, 2011].

¹⁷ Neumann, *The Other War*, p. 19.

¹⁸ Testimony of General David Petraeus before the House Committee on Armed Services, March 16, 2011, available at <http://www.cspan.org/Events/Gen-Petraeus-Says-Security-In-Afghanistan-Is-Fragile/10737420254-2/> [accessed March 21, 2011].

¹⁹ See Regional Command South, International Security Assistance Force, “Kandahar Province Letter of Intent on the Implementation of NATO/ISAF Afghan First Policy,” Kandahar, Afghanistan, 2011.

²⁰ See “A Conversation with General Petraeus,” *Newseum*, Washington, D.C., March 18, 2011, available at <http://nationaljournal.com/events/event/55/> [accessed March 21, 2011].

Reconstruction Trust Fund, while also bringing security organizations and subnational government entities under more formal public finance supervision that involves independent auditing, can help too.²¹

But there is still a tendency for criminal proceedings, however necessary, to divide the international community from the palace. The result is fractiousness and contentiousness in the relationship—and growing doubts in places like the U.S. Congress that President Karzai can be an adequate partner. American and other western support for the mission can be imperiled as a result.

A focus on strengthening parties can help address this. It can allow the international community to show support for all parties, including those of Karzai friends and associates should they form a party, and move some of the emphasis away from the high-profile anticorruption probes. And it can foster legislative and policy debates over matters like preventing land grabs by criminal patronage networks, rather than relying primarily on courts to address the most egregious cases of bad behavior.

RECONCILIATION

A well-crafted peace deal that President Karzai, along with his High Peace Council, is able to work out with elements of the insurgency could help end the war and produce a more stable Afghanistan. But it must be handled very carefully. The wrong deal could do more harm than good. Adequate procedures are not yet in place to ensure a positive outcome, or through independent polling and other means to engage the voices and views of the broader Afghan population in the process.

Secretary of State Hillary Clinton was right to modify the U.S. position towards talks, stating in a February 2011 speech that certain American “redlines”—respect for the Afghan constitution, renouncing of violence, definitive breaking with al Qaeda—were necessary outcomes of talks rather than preconditions for negotiation with the Taliban.²² And there is room for expanded efforts in this regard, as suggested in a recent Century Foundation report.²³ Afghan interlocutors talk of how some of Pakistan’s concerns with reconciliation can be at least partially addressed to gain Islamabad’s support. For example, if Pakistan too will make concessions and rein in the rebels, Kabul could accept the Durand Line border between the two states, and ask India not to continue operation of its consulates in the country’s east and south (however innocuous those might in fact be).²⁴ It is also surely worth exploring if and when elements of the Taliban might be willing to disassociate themselves from post-Bin Laden al Qaeda,²⁵ even if the case for optimism on this score is not strong. As NATO’s former senior civilian representative in Kabul, Mark Sedwill, put it in a speech in New York in March 2011, “As for the Taliban leadership, despite much speculation, they still show little interest in a genuine reconciliation process.” (This contrasts with the fact that some 90 percent of insurgents who are seized by ISAF or Afghan forces are taken within ten kilometers of their homes, showing that most are local Afghans and perhaps more amenable to “reintegration” efforts than is the central rebel leadership.)²⁶

That said, if it goes forward, the reconciliation issue is fraught with dangers. The wrong deal with elements of the Taliban could allow key militias a legitimacy—and a sanctuary—on Afghan soil that they could later abuse to seek to challenge the Afghan

²¹ Richard Hogg, “Corruption,” unpublished paper, World Bank, Kabul, Afghanistan, 2010.

²² Secretary of State Hillary Rodham Clinton, “Remarks at the Launch of the Asia Society’s Series of Richard C. Holbrooke Memorial Addresses,” New York, February 18, 2011, available at www.state.gov/secretary/rm/2011/02/156815.htm [accessed March 17, 2011].

²³ See for example, Lakhdar Brahimi and Thomas R. Pickering, “Settling the Afghan War,” *The New York Times*, March 23, 2011, available at <http://www.nytimes.com/2011/03/23/opinion/23brahimi.html?ref=opinion> [accessed March 23, 2011]; see also, for a related argument, Minna Jarvenpaa, “Making Peace in Afghanistan: The Missing Political Strategy,” U.S. Institute of Peace, Washington, D.C., February 2011, available at www.usip.org/files/resources/SR267Jarvenpaa.pdf [accessed March 20, 2011].

²⁴ O’Hanlon interviews with Afghan politicians, Kabul, Afghanistan, March 2011.

²⁵ Alex Strick van Linschoten and Felix Kuehn, “Separating the Taliban from al Qaeda: The Core of Success in Afghanistan,” Center on International Cooperation, New York University, New York, February 2011, available at http://www.cic.nyu.edu/afghanistan/docs/gregg_sep_tal_alqaeda.pdf [accessed March 24, 2011].

²⁶ Mark Sedwill, “Afghanistan: Transition and Partnership,” Asia Society, New York, NY, March 28, 2011.

government, perhaps after ISAF nations had drawn down their troop presence. It could also lead to human rights abuses in provinces and districts where former insurgent leaders might be accorded political power or even governorships as part of any deal. And it could lead to a role for Pakistan in the country's eastern provinces that was negotiated beyond the scrutiny of many Afghans who might worry that it portended excessive and secretive future influence by Pakistan in their country.

As a result of these possibilities, many Afghans are wary of talk of peace deals, however unlikely actual agreement may be at the moment. For example, non-Pashtuns tend to oppose (by strong majorities) allowing former Taliban to join the government, and women tend to oppose amnesty for Taliban insurgents.²⁷ Indeed, some are much more than wary, going so far as to threaten civil war as a response to a peace deal imposed upon them that they do not like.

To be specific, the most likely worrisome scenario along these lines is what could become in part an ethnic war. It might pit elements of the former Northern Alliance against a Pashtun-based group represented in part by the president, with the possibility that it could become a proxy war between India and Pakistan that risked splitting the country ethnically and geographically.

This risk should not be exaggerated; Afghanistan does not appear on the verge of brutal ethnic or sectarian conflict like that witnessed in recent decades in Central Africa, the Balkans, Iraq, and elsewhere. Indeed, there is also a reasonable ethnic balance in the country's government. For example, with just under half the country's population, Pashtuns hold about 50 percent of the cabinet positions, 60 percent of the governorships, 40 percent of the seats in parliament, 40 percent of the officer positions in the Afghan army and 35 percent of the officer slots in the elite Afghan

national police. (The respective numbers for Tajiks, the second most powerful and populous group with perhaps 25 percent of the nation's population, are about 35 percent, 17 percent, 28 percent, 40 percent, and 60 percent, respectively). But the wrong kind of political shock could nonetheless inflame the risks of civil war.²⁸ If such unrest occurred, the resulting chaos could then provide an opportunity for extremist groups to reestablish themselves in the country's south.

The specific terms and modalities of any peace deal—how to verify demobilization of militias and insurgent armies, how to monitor the human rights and legal practices of any former insurgents given positions of responsibility in Afghan government, and so on—should be left to Afghans. But the need for attention to this issue should not be ignored, just because some Afghan actors would so prefer it. Again, it is a standard element of constitutional democracy that there must be checks and balances on the chief executive—and some degree of transparency and opportunity for public education and debate—in matters as fundamental to the state as those of war and peace, and the possible rehabilitation of former enemies.

The international community can offer ideas here, based on previous experiences ranging from the termination of civil wars in Central America and Angola and Rwanda to the war crimes processes in the Balkans and Liberia to the Truth and Reconciliation process in South Africa to the mixed indigenous-international arrangements employed in Cambodia.²⁹ Afghans will decide which methods work best for them, but informed debate involving multiple actors is far preferable to presidential edict based largely on palace deliberations, powerful members of the High Peace Council, and Mr. Karzai's own druthers.

Specifically, the Afghan parliament probably needs a major role in approving any peace deal, whether the current constitution is read as requiring that approval

²⁷ See for example, Office of Research, Department of State, "Opinion Analysis: Afghans Cautious on Taliban Amnesty, Reintegration," Washington, D.C., November 23, 2010.

²⁸ Briefing slides presented to Michael O'Hanlon at the NATO Training Mission-Afghanistan and other locations in Kabul, March 2011.

²⁹ There is of course a rich academic and historical literature on this subject, meaning that the ideas and lessons need not be conveyed as official U.S. government suggestions. For one good example, see Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens, eds., *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder, Colorado: Lynne Rienner, 2002).

or not (it does give the parliament a say in declaring war under Article 64). Nor should a simple majority approval be viewed as adequate. Indeed, every major ethnic group in the country should probably have effective veto power over the deal, meaning that if a simple majority of its parliamentary members vote against the deal, it should probably not stand. This is the only way to minimize the risks of civil war that the wrong deal could produce.

This analysis is not intended as a slam on the Afghan president, whose commitment to peace strikes us as real and genuine. Rather, it is a simple acknowledgement of the fact that peace deals require broad confidence-building and broad acceptance. The stakes are so high in matters of terminating civil wars that it is not possible to expect a country simply to place blind trust in a leader. There is to be sure a necessary role for strong presidential leadership. But as broad a general consensus about what would serve the national interest should first be created so that Mr. Karzai (or a future president, if the peace deal happens after 2014) can seek support for a deal from a strong foundation.

CONCLUSION: A CONSTITUTIONAL, INSTITUTION-BASED AFGHAN DEMOCRACY

Our proposal for a new political strategy for Afghanistan is simple. It seeks to apply what historians and political scientists have learned over the years about building stable democratic governments and apply those time-tested concepts in the Afghan context. This relatively unoriginal and noncontroversial approach can nonetheless lead to some specific recommendations and policy paths that have not yet been adopted by the international community. Taking such a straightforward approach can also help us in discussions with President Karzai and other Afghan actors who might worry that the new strategy was somehow alien or anathema to Afghanistan, or designed to weaken existing leaders. To the contrary, it is in fact the only way the international community collectively knows to create stable governments.

The only alternative with any kind of historical grounding is one form or another of benign autocracy,

at least as a way-station to democracy. But such governments are easier to recognize in retrospect than to create, and it is doubtful that any plausible Afghan figure currently exists who could establish the legitimacy of his rule through such a system. The simple fact that Karzai himself, while still moderately popular among his own people, is more controversial now than in the early years of his rule suggests that any Afghan leader would be challenged to govern indefinitely and effectively through fiat. This option is not practical. Constitutional, institution-based democracy is the only available approach, even if there is a great deal of room for Afghans to tailor broad principles and concepts to their own circumstances and preferences.

By framing the choice in these terms, the international community, and particularly the United States, might be able to reduce tensions and improve collaboration with President Karzai and his political associates. Particularly on the corruption issue, Karzai seems to view many current international efforts as capricious and personal—designed to weaken his power base or attack his friends and family rather than to reduce corruption, strengthen government legitimacy, and improve the rule of law in his country. The fact that he is misguided in these judgments does not make them any less real, or any less pernicious in the relationship. By contrast, a forward-looking vision based on established principles from many other countries might place less emphasis on criminal prosecutions, at least relatively speaking, and more on strengthening institutions and improving governance. Such a change in tone would be welcome. Indeed, it strikes us as essential.

Just as important, framing a political strategy in such institutional terms would help with the path towards Afghanistan's looming post-Karzai future. It would provide a potential antidote to what seems the likely default trajectory for the country at present—a competition for future political power centered more on personalities, ethnicities, and patronage networks than on governing ideas and policy agendas. To defeat the insurgency and stabilize the country, a much clearer and more positive vision for Afghanistan's future, and a much healthier and ideas-based competition for future political power and influence, are essential.

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